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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,889	12/26/2001	Bertram Geck	2001 P 18373 US	8303

7590 08/23/2006

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EXAMINER

DYKE, KERRI M

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/032,889

Applicant(s)

GECK ET AL.

Examiner

Kerri M. Rose

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9-12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being anticipated by Bruno et al. (US 6,020,915) in view of Fenton et al. (US 5,619,555).
3. In regards to claim 1, Bruno discloses a virtual private communications network (VPCN) comprising:
  - a. a communications server (figure 1.135; column 4 lines 47-61);
  - b. at least one communications trunk connecting said communications server to a public telephone network (1.118-120 and 1.30);
  - c. a remotely connected device communicating with said communications server, said remotely connected device acting as a locally connected digital telephone (1.38; column 5 lines 50-59); and
  - d. a remote telephone located in the vicinity of said remotely connected device, telephonic communications being provided to and from said remote telephone in cooperation with said communications server (1.136; column 5 lines 17-23, 50-59).Bruno does not teach the remotely connected device controls the remote telephone.

Fenton teaches controlling a remote telephone by a remote device in column 5 lines 4-10.

The remote device issues commands to the server. Without the commands the server will do

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nothing and therefore it can be concluded that the remote device controls the remote telephones by commanding and controlling the actions of the server. The remote device of Fenton acts as a locally connected digital telephone. A remote device may act as a locally connected digital phone when it uses a connection, such as LAN or PSTN, to connect to a server and an interface, such as TAPI, to access features of the server. Fenton's remote device connects to the server using a LAN, PSTN or other modem connection (fig. 1.14; col. 5 lines 1-3) and uses an interface, which is analogous to TAPI to access features of the server (col. 5 lines 25-64).

It would have been obvious to one of ordinary skill in the art to control the remote telephones taught by Bruno with the GUI and remote devices taught by Fenton because the GUI provides numerous additional functions (Fenton col. 3 lines 4-36), which is desired by Bruno (col. 2 lines 20-22).

4. In regards to claim 2, Bruno and Fenton disclose a VPCN as in claim 1 further comprising: a plurality of digital telephones connected to said communications server (1.101-104; column 3 lines 46-64).

5. In regards to claim 3, Bruno and Fenton disclose a VPCN as in claim 1 wherein said remotely connected device is a web enabled device connected over the Internet (column 5 line 20; column 8 lines 18-20), said VPCN further comprising: a web server connected to said communications server and the Internet (figure 3.301; 3.306; column 8 lines 22-25, 36-37, 42-44, 57-63).

6. In regards to claim 4, Bruno and Fenton disclose a VPCN as in claim 3 wherein said web enabled device is a personal computer (PC) (column 5 line 20; column 8 lines 18-20).

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7. In regards to claim 5, Bruno and Fenton disclose a VPCN as in claim 4 wherein said PC includes a modem connecting said PC to the Internet (column 5 line 20 indicates the PC is connected with a modem).

8. In regards to claim 6, Bruno and Fenton disclose a VPCN as in claim 1 wherein said communications server is a PBX server. Fenton column 4 lines 65 – column 5 line 3 discloses that both the remote telephone and remote device are connected through a PBX. Therefore, the central server must be a PBX server in order to communicate over the PBX networks.

9. In regards to claim 9, Bruno discloses a virtual private communications network (VPCN) comprising:

- e. a communications server (figure 1.135; column 4 lines 47-61);
- f. a web server connected to said communications server and the Internet (figure 3.301; 3.306; column 8 lines 22-25, 36-37, 42-44, 57-63);
- g. a plurality of digital telephones connected to said communications server (1.101-104; column 3 lines 46-64);
- h. at least one communications trunk connecting said communications server to a public telephone network (1.118-120 and 1.30);
- i. a remotely connected web enabled devices communicating with said communications server, said remotely connected devices each acting as a locally connected digital telephone (1.38; column 5 lines 20, 50-59; column 8 lines 18-20); and
- j. a remote telephone located in the vicinity of each of said remotely connected web enabled devices, telephonic communications being provided to said digital telephones

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from remote telephones in cooperation with said communications server (1.136; column 5 lines 17-23, 50-59).

Bruno does not disclose a plurality of remotely connected web enabled devices. Bruno does not teach the remotely connected web enabled device controls the remote telephone. Bruno does not disclose the remote telephones simultaneously communicating with the digital telephones and receiving commands from the web enabled devices.

Fenton teaches controlling a remote telephone by a remote device in column 5 lines 4-10. The remote device issues commands to the server. Without the commands the server will do nothing and therefore it can be concluded that the remote device controls the remote telephones by commanding and controlling the actions of the server. The remote device of Fenton acts as a locally connected digital telephone. A remote device may act as a locally connected digital phone when it uses a connection, such as LAN or PSTN, to connect to a server and an interface, such as TAPI, to access features of the server. Fenton's remote device connects to the server using a LAN, PSTN or other modem connection (fig. 1.14; col. 5 lines 1-3) and uses an interface, which is analogous to TAPI to access features of the server (col. 5 lines 25-64). Figure 9 of Fenton discloses that the GUI continues to issue controlling commands as the conference between the remote telephones and the digital telephones continues.

It would have been obvious to one of ordinary skill in the art to control the remote telephones taught by Bruno with the GUI and remote devices taught by Fenton because the GUI provides numerous additional functions (Fenton col. 3 lines 4-36), which is desired by Bruno (col. 2 lines 20-22).

The fully equipped endpoints taught by Bruno require a telephone, PC, and video camera. It is well known by those in the art that a telephone and PC are common equipment owned by a vast majority of people. It is also well known that a PC equipped with a video camera, on the other hand, is a more specialized piece of equipment owned by comparably few people. Therefore, it would have been obvious to one of ordinary skill in the art to allow a plurality of the remotely connected enabled devices to be connected to the conferences taught by Bruno, because many people do not own a multimedia endpoint (voice, video, and data).

10. Claim 10 is rejected upon the same grounds as claim 4.

11. In regards to claim 11, Bruno discloses a VPCN as in claim 10 wherein at least one PC includes a modem connecting to the Internet (column 5 line 20 indicates the PC is connected with a modem), said at least one PC being connected to the web server over the Internet (figure 3 shows the PC 138 is connected to both servers 306 and 301 through the Internet 304).

12. Claim 12 is rejected upon the same grounds as claim 6.

13. In regards to claim 15, Bruno discloses a method for communicating with a private communications network, said method comprising the steps of: a) connecting a remotely located web enabled device to a communications server (figure 1 shows the remote device 138 connected to the communication server 135 through line 130); and b) initiating calls at the communications server from and to a remote telephone in the vicinity of said remotely located web enabled device (column 5 lines 50-63 describe the method for establishing a data exchange call that is initiated and controlled by the remote device).

Bruno does not teach the remotely connected web enabled device initiating and controlling the remote telephone.

Fenton teaches initiating a call and controlling a remote telephone by a remote device in column 5 lines 4-10. The remote device issues commands to the server. Without the commands the server will do nothing and therefore it can be concluded that the remote device controls the remote telephones by commanding and controlling the actions of the server. The remote device of Fenton acts as a locally connected digital telephone. A remote device may act as a locally connected digital phone when it uses a connection, such as LAN or PSTN, to connect to a server and an interface, such as TAPI, to access features of the server. Fenton's remote device connects to the server using a LAN, PSTN or other modem connection (fig. 1.14; col. 5 lines 1-3) and uses an interface, which is analogous to TAPI to access features of the server (col. 5 lines 25-64).

It would have been obvious to one of ordinary skill in the art to control the remote telephones taught by Bruno with the GUI and remote devices taught by Fenton because the GUI provides numerous additional functions (Fenton col. 3 lines 4-36), which is desired by Bruno (col. 2 lines 20-22).

14. In regards to claim 16, Bruno and Fenton disclose a method as in claim 15 wherein the step (a) of connecting the remotely located web enabled device comprises the steps of: i) calling an Internet service provider; ii) negotiating a modem connection with said Internet service provider; and iii) connecting to a web server connected to said communications server, (These steps are inherent for connecting to the Internet using a modem and 56 kbps line (disclosed column 4 line 4)) calls to said remote telephone being controlled by said web enabled device in real time (figs. 4, 7, and 9 of Fenton illustrate the control steps of the GUI which are executed in real time).



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15. Claims 7, 8, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. (US 6,020,915) in view of Fenton et al. (US 5,619,555) further in view of Weinstein et al. (US 2001/0026609).

16. In regards to claims 7 and 13, Bruno and Fenton disclose a VPCN as in claims 1 or 9, but not wherein said remotely connected device is a wireless access protocol (WAP) device connected over the Internet.

Weinstein discloses a WAP device connected to the Internet in paragraph 8 on page 1.

It would have been obvious to one of ordinary skill in the art to modify Bruno's remote call placement system to include WAP enable devices because doing so would eliminate the need for a computer to act as the remotely connected device. A computer, even a laptop model, is more cumbersome to carry around and more expensive. Therefore, one of ordinary skill in the art would find it obvious to use a smaller, less expensive device in remote and therefore mobile environments.

17. In regards to claims 8 and 14, Bruno, Fenton, and Weinstein disclose a VPCN as in claims 7 or 13 wherein said WAP is a personal digital assistant (PDA) with a wireless connection to the Internet. Paragraph 8 on page 1 discloses an Internet connected PDA. It does not explicitly disclose that the PDA uses WAP, but WAP was developed in order to connect PDAs to the Internet and therefore the PDA is inherently WAP-enabled.

#### ***Response to Arguments***

18. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., full functionality, i.e. access to all communication server features [see p. 7 lines 6-14 of the

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arguments]) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

19. Applicant argues that Fenton cannot teach remote telephones controlled by remote devices because the remote telephones are not directly connected with the remote devices. However, the claims do not require such direct connection. Additionally, Fenton states in column 5 lines 4-10 that controlling commands are *issued by the remote device* and then passed to the remote telephones through the server.

20. The GUI of Fenton allows the remote device access to a feature of the communications server. Whether or not the remote device and remote telephone have access to all communication features, they do have access to at least one feature. Therefore the remote device must be acting in the capacity of a digital telephone.

21. Applicant's argument that Bruno does not teach control of the remote telephone by the remote device is persuasive. Bruno discloses in column 5 lines 32-35 and column 6 lines 12-15 that the server issues the commands. There is no indication that the server is directed to issue the commands by the remote device.

### ***Conclusion***

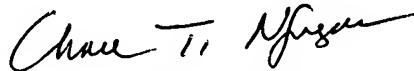
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Rose whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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